

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Maryland

United States of America

v.

Albert A. Firtie

Case No.

15 - 198 BPG

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 13, 2014 in the county of Anne Arundel in the
District of Maryland, the defendant(s) violated:

Code Section

18:2252(a)(1)

Offense Description

Transportation of Child Pornography

This criminal complaint is based on these facts:

See Attached Affidavit In Support of Criminal Complaint

FILED ENTERED
LODGED RECEIVED

FEB 03 2015

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

BY

DEPUTY

☐ Continued on the attached sheet.

Complainant's signature

J. Hunter Lenz, Inspector, USPIS

Printed name and title

Sworn to before me and signed in my presence.

Date:

2-3-15

City and state:

Baltimore, MD

Judge's signature

Beth P. Gesner, Magistrate Judge

Printed name and title

ZAM

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Your affiant, J. Hunter Lenz, being duly sworn, depose and state:

INTRODUCTION

1. I am an Inspector with the United States Postal Inspection Service (USPIS), Washington Division, including the state of Maryland.

2. I have been an Inspector with the USPIS since February 2013. Since May 2014, I have investigated federal violations concerning child pornography and the sexual exploitation of children. I have gained experience through training in seminars, classes, and daily work related to conducting these types of investigations. Additionally, prior to my employment with the USPIS I was a law enforcement officer with the Virginia State Police (VSP). I spent several years with the VSP as a High Tech Crime investigator, specializing in child exploitation investigations.

3. I have received specific training in Online Undercover Chat Investigations, Peer to Peer Investigations, National Center for Missing and Exploited Children (NCMEC) CyberTip Management and Child Sexual Abuse Investigations. I have participated in the execution of numerous search warrants, of which the majority has involved child exploitation and/or child pornography offenses. Many of the child exploitation and/or child pornography search warrants resulted in the seizure of computers, cell phones, magnetic storage media for computers, other electronic media, and other items evidencing violations of federal laws, including various sections of Title 18, United States Code § 2252A involving child exploitation offenses. I have also participated in the execution of numerous search warrants for online accounts, such as email accounts, online storage accounts and other online communication accounts related to child exploitation and/or child pornography. In the course of my employment with the USPIS and

VSP, I have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media and within online accounts.

4. As a federal agent, I am authorized to investigate violations of laws of the United States and am a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

5. I am submitting this affidavit in support of a criminal complaint and arrest warrant for ALBERT A. FIRLIE ("FIRLIE"), year of birth 1948, address 8705 Crest Road, Severn, MD 21144, for violation of Title 18, United States Code, Section 2252(a)(1) (Transportation of Child Pornography).

6. The statements contained in this affidavit are based upon your affiant's knowledge; knowledge obtained from other individuals during my participation in this investigation; knowledge obtained from other law enforcement officers and my review of records related to this investigation; communications with others who have knowledge of the events and circumstances described herein; and information gained through my training and experience. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation.

BACKGROUND OF INVESTIGATION

7. On September 16, 2014, NCMEC received a report from Google of possible child pornography being uploaded and posted to a Google+ Photos (formerly Picasa) account. On October 6, 2014, I received fifty-one CyberTip reports from NCMEC, which contained information they received from Google. The reports from Google were all associated with the user account **afirlie@gmail.com**, hereafter the "user account." Each report detailed separate and distinct activity with the user account. Each report involved the upload of a video to the Google+

Photos (formerly Picasa) account, in the user's photo section, associated with the user account. All of these files were uploaded on September 13, 2014, and according to the report Google became aware of these files on September 15, 2014. According to the CyberTip from NCMEC, these reports and videos were being reported as apparent child pornography. In the CyberTip reports, Google acknowledged someone from their company reviewed each file before reporting it as suspected child pornography.

8. The individual reports from NCMEC contained the information received from Google, such as the file name and time uploaded to Google. On September 13, 2014, at 22:23 UTC, the user account uploaded a file titled **288-3.wmv**, which is a Windows based video file. I reviewed the video, and it starts with a prepubescent female, who is shirtless, sitting down and performing oral sex on an adult male's erect penis. During the video, the prepubescent female stands up, removes her shorts and is then completely nude. She also uses her hand to masturbate the adult male's erect penis. As the video progresses, the prepubescent female exposes her vagina to the camera and urinates on the adult male's erect penis. The adult male ejaculates and the prepubescent female uses her hand to touch the ejaculate.

9. On September 13, 2014, at 21:33 UTC, the user account uploaded a file titled **288-2.wmv**. I reviewed the video, which starts with a nude prepubescent female laying on the floor with her legs spread and vagina spread for the camera. The prepubescent female uses her hand to insert a pen into her vagina for several seconds. The camera view changes, as an adult male masturbates his erect penis and ejaculates onto the same prepubescent female's vagina. The video changes again to the same prepubescent female performing oral sex on an adult male's erect penis, until he ejaculates. The final part of the video involves the same prepubescent female laying nude and exposing her vagina to the camera, as she rubs her finger on her vagina. The

prepubescent female then performs oral sex on the adult male's erect penis until he ejaculates. This is the same prepubescent female, and likely the same adult male from the video described in paragraph 9.

10. There were forty-nine other reports from Google on the same user account, which involved the uploading of other videos. In the report from Google was included the alternate email address for this user account, **albertalicia@verizon.net**. Each of these uploads occurred on September 13, 2014, and the account was logged in with the same IP address, 74.103.72.63. This IP address is owned by Verizon Internet Services. According to public website searches, this IP address was used in or around Severn, MD.

11. An administrative subpoena was served on Verizon Internet Services requesting subscriber information relating to the user of the Verizon Internet IP address 74.103.72.63 on September 13, 2014. Verizon Internet Services provided the following information relating to the account:

Name:	Albert Firlie
Address:	8705 Crest Road, Severn, MD 21144
Phone No.:	443-805-1920
Date IP Address Started:	7/30/2014
Date IP Address Stopped:	Still active to this subscriber on date of subpoena
Account Created:	4/2/2009
Verizon Email:	<u>albertalicia@verizon.net</u>

12. NCMEC provided information on previous CyberTips involving Albert Firlie, also sent to the USPIS in 2012. These CyberTips listed Firlie as a registrant for a URL which was associated with a website that advertised child pornography DVDs for sale and shipment.

13. A Federal Search Warrant was issued out of the District of Maryland for the email account **afirlie@gmail.com**. The warrant was executed to Google, Inc., and I received the return and reviewed it in early January 2015. Google, Inc. provided records and other files as part of the return. The account subscriber information provided listed the name of the owner of the account

as Albert Firlie, and the phone number associated was 443-805-1920. Additionally two other email addresses were associated as alternate emails for the account- **albertalicia@verizon.net**, and **albertalicia@hotmail.com**. IP address login data showed numerous logins to the **afirlie@gmail.com** account from IP address 74.103.72.63, starting in July 2014 and continuing until September 15, 2015, when the Google account was disabled. Under the same subscriber information was the registration information for a YouTube account under **afirlie@gmail.com**, which listed the username as Albert Firlie, and a date of birth in 1948.

14. In addition to subscriber information, in response to the federal search warrant, Google, Inc. provided over 100 videos that were located in the Google account for **afirlie@gmail.com**. Included in these videos were the same videos included in the original NCMEC CyberTips; in particular, the two videos listed in paragraphs 9 and 10, **288-3.wmv** and **288-2.wmv**. After reviewing these videos, based off of my training and experience, most contained visual depictions of minors engaging in sexually explicit conduct and are child pornography under 18 U.S.C. § 2256(8). Additionally several of the movies titled suggested they contained child pornography, such as, **"Toddler Girl- Ashley%Me00(02m10S)[00-05].avi,"** and **"Pthc-ARIEL 11yr (all parts).wmv."**

15. Maryland Motor Vehicle Administration records listed the following individuals at 8705 Crest Road, Severn, MD 21144: Albert Andrew Firlie, date of birth in 1948, and Anna Adaline Firlie, date of birth in 1924. From Maryland Motor Vehicle Administration records I was able to obtain digital photographs of both Albert Firlie and Anna Firlie.

16. A check of FIRLIE and Anna Firlie through NCIC showed that FIRLIE was arrested in December 1990 for several charges, including Assault and Sex Offense Against Child-Fondling. I obtained court documents from the Howard County Circuit Court and read the

Application for Charges, submitted to the court by the arresting officer. The narrative states that between July and September 1990, while residing in Howard County, FIRLIE admitted to performing oral sex and digitally touching the vagina of a 7 year old girl, as well as having her touch his penis.

17. On July 8, 1991, in case number 23123, FIRLIE was convicted of Child Abuse. He was sentenced to three years in prison with all of the time suspended, five years of probation, court appointed therapy and ordered to have no contact with the victim.

18. On January 30, 2015, a federal search warrant was issued by this Court authorizing a search of 8705 Crest Road, Severn, MD 21144 for fruits and evidence of transportation of child pornography and possession of child pornography.

19. On February 3, 2015, the search warrant was executed at 8705 Crest Road, Severn, MD 21144. FIRLIE was present during execution of the warrant, along with Anna Firlie, his mother.

20. During execution of the warrant, investigators recovered a large number of computers, digital storage media and books about how computers and the internet work. FIRLIE was told that he was not in custody and was free to go, and that he did not have to speak to investigators but could if he wanted to. FIRLIE stated that he wished to speak to investigators and was interviewed. During the interview, FIRLIE stated that he had been collecting child pornography from the internet for approximately 15 years. FIRLIE states that when he search for child pornography on the internet he used search terms such as "underage" and "young naked girls." He stated that he stored child pornography on his old computers and external hard drive. He stated that afirlie@gmail.com was his email account, but that Google had shut it down last year for an unknown reason. FIRLIE stated that he may have uploaded child pornography to his


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Google account.

21. FIRLIE was shown the file names of child pornography videos associated with his account. He stated that he recognized the file names, and that they were of videos that had been in his child pornography collection.

CONCLUSION

22. Based upon all the information set forth in this application, your Affiant respectfully submits that there is probable cause to believe that ALBERT A. FIRLIE transported child pornography in violation of Title 18, United States Code, Section 2252(a)(1).



Inspector J. Hunter Lenz
United States Postal Inspection Service

Sworn and subscribed before me
this 3rd day of February, 2015



HONORABLE BETH P. GESNER
UNITED STATES MAGISTRATE JUDGE